

State of Kansas

Department of Health and Environment

Notice of Hearing on Proposed
Administrative Regulations

The Kansas Department of Health and Environment (KDHE), Division of Public Health, Bureau of Epidemiology and Public Health Informatics, will conduct a public hearing at 10:00 a.m. Wednesday, February 19, 2020, in the Azure Conference Room, fourth floor, Curtis State Office Building, 1000 SW Jackson, Topeka, Kansas, to consider the adoption of proposed amended KDHE Article 24 regulations 28-24-1, 28-24-2, 28-24-3, 28-24-4, 28-24-5, 28-24-6, 28-24-7, 28-24-8, 28-24-9, 28-24-10, 28-24-11, 28-24-12, 28-24-13, and 28-24-14, regarding sanitary standards for the practice of cosmetology, nail technology, electrology, and esthetics.

A summary of the proposed regulations and estimated economic impact follows:

Summary of Regulations:

K.A.R. 28-24-1. Definitions. Adds definitions for the terms disinfect, disinfectant, practitioner, safety data sheet, and sterilization. Revises the definitions of the terms bleach solution, clean, consumer, product, protective gloves, school, and single-use.

K.A.R. 28-24-2. Personal cleanliness. Requires that a practitioner clean their hands or use an alcohol-based hand sanitizer before and after each consumer service.

K.A.R. 28-24-3. Communicable diseases or conditions. Stipulates that a practitioner shall not provide services to a consumer who has a communicable disease or condition, as suggested by certain conditions, and that a practitioner who has a communicable disease or condition, as suggested by certain conditions, shall not provide services to a consumer. Specifies procedures if a service is started and the practitioner discovers that the consumer has a communicable disease or condition.

K.A.R. 28-24-4. Linens and capes. Updates the procedures for cleaning used linens and capes and the procedures for storing clean linens and capes.

K.A.R. 28-4-5. Surfaces and treatment tables. Requires that a practitioner daily disinfect surfaces that come into contact with a consumer during services and that treatment tables be covered with clean examination paper, paper towels or linen before providing services to each consumer.

K.A.R. 28-4-6. Products and containers. Requires that product be kept in labeled and closed containers. Specifies the procedures for handling product if only a portion of a product is used on a consumer and the procedures for use of cosmetic pencils.

K.A.R. 28-24-7. Waxing. Updates the procedures for using wax or sugar paste.

K.A.R. 28-24-8. Single-use items. Updates the procedures for storage and disposal of single-use items.

K.A.R. 28-24-9. Pedicure equipment. Requires that pedicure equipment be cleaned immediately after each pedicure service and updates the procedures for cleaning pedicure equipment. Adds requirements for cleaning ped-

icure equipment if a pedicure liner was not used during the pedicure service. Specifies that pedicure equipment remain clean and disinfected even if the equipment is not in service or not able to be used in a service.

K.A.R. 28-24-10. Cleaning and disinfecting nonelectrical instruments and equipment. Updates procedures for cleaning and disinfecting nonelectrical instruments and nonelectrical pieces of equipment other than shears and makeup brushes. Adds requirements for disinfecting shears and makeup brushes.

K.A.R. 28-24-11. Disinfecting electrical instruments. Updates the procedures for disinfecting electrical instruments and requires that electrical instruments be disinfected after each consumer service. Adds requirements for cleaning towels in a towel warmer, for disinfecting towel warmers, and for disinfecting each metal bit and mandrel for an electric file.

K.A.R. 28-24-12. Electrolysis instruments, equipment, and practices. Requires that practitioners use only single-use electrolysis instruments or sterilized electrolysis equipment on a consumer. Updates the procedures for sterilizing electrolysis instruments and equipment and for disposing of needles and other sharp items.

K.A.R. 28-24-13. Physical facilities. Requires that each owner of a school, establishment, or mobile establishment ensure the applicable requirements of this regulation. Specifies the following requirements for each school or establishment: floors, walls, ceilings, furniture, and fixtures that are clean and in good repair; plumbing that provides hot and cold running, potable water and provides for disposal of used water; two restrooms for each school; restrooms in the building in which the establishment or school is located; a restroom sink not used for services or cleaning instruments or equipment; for cosmetology services, a shampoo bowl with sprayer and hot and cold running water separate from the restroom. Adds a requirement that establishments that provide nail technology, esthetics or electrology have a hand-washing sink with hot and cold running water separate from the restroom.

K.A.R. 28-24-14. Prohibitions. Adds possessing methyl methacrylate monomer (MMA) and any product banned or restricted by the board of cosmetology as prohibited in an establishment or school. Specifies that a practitioner shall not carry any instrument or supplies in or on a garment or uniform.

Economic Impact:

Cost to the agency: The proposed regulations will not result in any costs to KDHE or any costs that could not be absorbed in the ongoing KDHE budget.

Cost to the regulated community: The proposed regulations will potentially have implementation and compliance costs for the total number of licensed facilities, including licensed schools, of approximately \$46,872.00 annually. The most costly expense will be the required disinfection of surfaces that come into contact with consumers. This expense is estimated to be a yearly increase per licensed facility of \$10.80.

Cost to other governmental agencies or units: The Kansas Board of Cosmetology is required by statute to in-

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spect cosmetology, electrology, and tanning facilities to protect the health and safety of the consuming public. The proposed regulations will add only minimal costs that will be absorbed in the ongoing budget of the Kansas Board of Cosmetology.

A detailed economic impact is provided in the economic impact statement that is available from the KDHE contact person or at the KDHE Bureau of Epidemiology and Public Health Informatics website, as listed below.

The time period between the publication of this notice and the scheduled hearing constitutes a 60-day public comment period for the purpose of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to 5:00 p.m. on the day of the hearing to Farah S. Ahmed, MPH, PhD, Environmental Health Officer and State Epidemiologist, Bureau of Epidemiology and Public Health Informatics, Kansas Department of Health and Environment, Curtis State Office Bldg., 1000 SW Jackson, Suite 330, Topeka, KS 66612-1365, by email to Farah.Ahmed@ks.gov, or by fax to 877-427-7318. During the hearing, all interested parties will be given a reasonable opportunity to present their views orally on the proposed regulations as well as an opportunity to submit their written comments. It is requested that each individual giving oral

comment also provide a written copy for the record. In order to give each individual an opportunity to present their views, it may be necessary for the hearing officer to request that each presenter limit an oral presentation to an appropriate time frame.

Complete copies of the proposed regulations and the corresponding economic impact statement may be obtained from the KDHE Bureau of Epidemiology and Public Health Informatics website at <http://www.kdheks.gov/bephi/index.html> at the Regulations and Statutes link, or by contacting Farah S. Ahmed at Farah.Ahmed@ks.gov, 785-296-6426, or fax 877-427-7318. Questions pertaining to the proposed regulations should be directed to Farah S. Ahmed at the contact information above.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and the economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Farah S. Ahmed.

Lee A. Norman, M.D.
Secretary

Doc. No. 047677

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended, and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2009 Volumes of the *Kansas Administrative Regulations* and the 2019 Supplement of the *Kansas Administrative Regulations*. Regulations can also be found at http://www.sos.ks.gov/pubs/pubs_kar.aspx.

AGENCY 4: DEPARTMENT OF AGRICULTURE

Reg. No.	Action	Register
4-34-1	New	V. 38, p. 57
4-34-2	New	V. 38, p. 58
4-34-3	New	V. 38, p. 58
4-34-4	New	V. 38, p. 59
4-34-5	New	V. 38, p. 59
4-34-6	New	V. 38, p. 61
4-34-7	New	V. 38, p. 62
4-34-8	New	V. 38, p. 62
4-34-9	New	V. 38, p. 63
4-34-10	New	V. 38, p. 64
4-34-11	New	V. 38, p. 64
4-34-12	New	V. 38, p. 64
4-34-13	New	V. 38, p. 65
4-34-14	New	V. 38, p. 65
4-34-15	New	V. 38, p. 66
4-34-16	New	V. 38, p. 66
4-34-17	New	V. 38, p. 67
4-34-18	New	V. 38, p. 67
4-34-19	New	V. 38, p. 68

4-34-20	New	V. 38, p. 68
4-34-21	New	V. 38, p. 70

AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
5-21-7	Revoked	V. 38, p. 1296
5-25-2	Amended	V. 38, p. 1296
5-25-4	Amended	V. 38, p. 1296
5-25-22	New	V. 38, p. 1297

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-47-1	New (T)	V. 38, p. 855
7-47-1	New	V. 38, p. 1113

AGENCY 9: DEPARTMENT OF AGRICULTURE—DIVISION OF ANIMAL HEALTH

Reg. No.	Action	Register
9-18-6	Amended	V. 38, p. 55
9-18-9	Amended	V. 38, p. 56
9-18-28	Amended	V. 38, p. 56

AGENCY 10: KANSAS BUREAU OF INVESTIGATION

Reg. No.	Action	Register
10-22-1	Amended	V. 38, p. 1089
10-23-1	New	V. 38, p. 773
10-23-2	New	V. 38, p. 773
10-23-3	New	V. 38, p. 773
10-23-4	New	V. 38, p. 773
10-23-5	New	V. 38, p. 773
10-23-6	New	V. 38, p. 773

AGENCY 14: DEPARTMENT OF REVENUE—DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Reg. No.	Action	Register
14-6-4	Revoked (T)	V. 38, p. 856
14-6-4	Revoked	V. 38, p. 1203

AGENCY 16: ATTORNEY GENERAL

Reg. No.	Action	Register
16-18-1	New	V. 38, p. 856
16-18-2	New	V. 38, p. 856
16-18-3	New	V. 38, p. 857

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-1-20	Amended	V. 38, p. 924
28-35-146a	Amended	V. 38, p. 130
28-35-147a	Amended	V. 38, p. 130
28-55-1	Revoked	V. 38, p. 1024
28-55-2	Revoked	V. 38, p. 1024
28-55-3	Revoked	V. 38, p. 1025
28-55-4	Revoked	V. 38, p. 1025
28-55-5	Revoked	V. 38, p. 1025

AGENCY 30: KANSAS DEPARTMENT FOR CHILDREN AND FAMILIES

Reg. No.	Action	Register
30-4-34	Amended	V. 38, p. 403
30-4-35	Amended	V. 38, p. 403
30-4-36	Amended	V. 38, p. 403
30-4-40	Amended	V. 38, p. 403
30-4-41	Amended	V. 38, p. 404
30-4-50	Amended	V. 38, p. 404
30-4-51	Amended	V. 38, p. 405
30-4-54	Amended	V. 38, p. 405
30-4-64	Amended	V. 38, p. 406
30-4-90	Revoked	V. 38, p. 407
30-4-98	Amended	V. 38, p. 407
30-4-100	Amended	V. 38, p. 407
30-4-107	Amended	V. 38, p. 408
30-4-109	Amended	V. 38, p. 408
30-4-111	Amended	V. 38, p. 409
30-4-113	Amended	V. 38, p. 409
30-4-120	Revoked	V. 38, p. 410
30-4-130	Amended	V. 38, p. 410
30-4-140	Amended	V. 38, p. 412
30-46-10	Amended	V. 38, p. 128